

PUBLIC SAFETY COMMITTEE

11-058-O

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 40-4 AND 40-10 OF THE  
DULUTH CITY CODE, 1959, AS AMENDED, PERTAINING TO  
ABANDONED PROPERTY.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 40-4 of the Duluth City Code, 1959, as amended,  
be amended to read as follows:

Sec. 40-4. Abandoned property defined.

For the purposes of this Article, property shall be deemed to  
be abandoned if it has been in the possession of the city or any  
officer or agent thereof or remains in a building condemned for  
demolition for more than 30 days from the date of the mailing of a  
written notice by the ~~chief of police~~ city to such owner to appear  
and present proof of his or her ownership.

Section 2. That Section 40-10 of the Duluth City Code, 1959, as amended,  
be amended to read as follows:

Sec. 40-10. Definitions.

For the purpose of this Chapter, the terms defined in this  
Section shall have the meanings ascribed to them:

Nuisance event. An event requiring special security  
assignment in order to protect the public peace, health, safety and  
welfare. A nuisance event includes, but is not limited to, the  
following:

- (a) Unlawful sale, possession, storage, delivering, giving,  
manufacture, cultivation or use of controlled substance;
- (b) Prostitution or prostitution-related activity;
- (c) Illegal gambling or gambling-related activity;
- (d) Unlicensed sales of alcoholic beverages or unlawful  
sales or gifts of alcoholic beverages by an unlicensed person or

underage consumption at a specific location;

(e) Loud and boisterous conduct, noises and activities that disturb the peace;

(f) Events between 11:00 p.m. and sunrise which disturb the peace and tranquility of the neighborhood;

(g) Congregating in a tumultuous, noisy or rowdy crowd;

(h) Fighting or use of obscene or inflammatory language;

(i) Loud music constituting a nuisance or disturbing the peace;

(j) Activities causing excessive pedestrian or vehicular traffic and parking problems and congestion;

(k) Indecent exposure or lewd conduct.

For the purposes of this Article, the term nuisance event shall not include an event of domestic abuse as that term is defined in Minnesota Statutes Section 518B.01 Subdivision 2(a).

Owner. A person or persons shown to be owner or owners of property on the property tax records of St. Louis County, Minnesota.

Personal service. Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

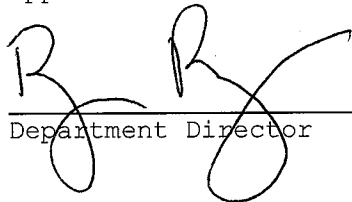
Police services fee. A fee imposed for law enforcement services associated with a special security assignment. Such fee ~~may be either a flat fee of \$250 or an additional amount of up to a total of \$1,000 shall be set in accordance with Section 31-6(a) of this Code and may be~~ based on, but not limited to, salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property and the cost of any medical treatment of injured police officers.

Responsible person. A person who owns the property where the nuisance event takes place, and/or a person in charge of the premises, and/or a person who organized or served as a host of the nuisance event. If the responsible person is a minor, then the parents or guardians of that minor will also be considered responsible persons.

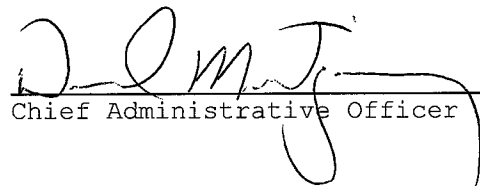
Special security assignment. The assignment of police officers, services and/or equipment during a second or subsequent response to a nuisance event at a particular location after the service of a written notice to the responsible persons that a police services fee may be imposed for costs incurred by the city for any subsequent police response at such location.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

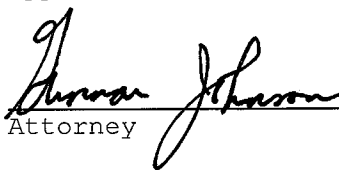
Approved:

  
\_\_\_\_\_  
Department Director

Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

BS/ATTY TLL:dma 11/04/2011

STATEMENT OF PURPOSE: The purpose of this ordinance amendment is to eliminate the fee amount set forth for the police services fee. This fee amount will be established in the fee resolution adopted annually by the City Council. Also, this ordinance includes within the definition of abandoned property that property left in a building that has been condemned for demolition.